

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

GARY D. KNEPP,	:	CIVIL DIVISION
	:	
Plaintiff,	:	
	:	Civil Action No.: 3:22-cv-144
v.	:	
	:	
WAL-MART STORES EAST, L.P.,	:	<i>Electronically Filed</i>
	:	
Defendant.	:	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant, Wal-Mart Stores East, LP, asserting as follows:

1. The above-described action was commenced in the Court of Common Pleas of Clearfield County, Pennsylvania, against Wal-Mart Stores East, L.P., by the filing of a Complaint on July 27, 2022. (*See* Complaint attached as Ex. A).

2. Defendant was served with the Complaint via certified mail on August 5, 2022. (*See* Proof of Service attached as Ex. B).

3. Undersigned counsel entered her appearance on the matter on August 10, 2022. (*See* Praecipe for Appearance attached hereto as Ex. C.)

4. Defendant believes that at the time this action was initially commenced, and at the current time, Plaintiff was a resident of Clearfield County, Pennsylvania. (*See* Ex. A, Complaint, ¶ 1).

5. Defendant, Wal-Mart Stores East, L.P., is a foreign limited partnership formed in Delaware with a principle place of business in Bentonville, Arkansas.

6. The partners of Wal-Mart Stores East, L.P. are WSE Management, LLC (general partner) and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. Finally, the sole shareholder of Wal-Mart Stores East, LLC is Wal-Mart Stores, Inc., a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of Defendant Wal-Mart Stores East, L.P. is a citizen of or has a principal place of business in the Commonwealth of Pennsylvania.

7. The Complaint seeks an award in excess of the arbitration limits of Clearfield County (\$20,000), but no specific sum is demanded in the Complaint. (*See* Ex. A, Complaint).

8. Among other injuries, it is understood that Plaintiff claims damages for an alleged serious injury including, but not limited to, a displaced comminuted left patella fracture requiring open reduction internal fixation. (*See* Ex. A, Complaint, ¶10).

9. Based on these alleged injuries and damages, this matter exceeds the threshold amount of \$75,000.00 necessary for diversity jurisdiction.

10. This Notice of Removal is filed within thirty (30) days after Defendant, Wal-Mart Stores East, were served with a copy of Plaintiff's Complaint on August 5, 2022, which apprised Defendant of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiff on July 27, 2022, by the filing of the Praecipe for Writ of Complaint; thus, the Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

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11. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant, Wal-Mart Stores East, LP, requests that this action now pending in the Court of Common Pleas of Clearfield County at No. 2022-952-CD be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: 9/1/2022

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